

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DAVID PERRAS and)	
DAVID HASKINS,)	
)	
Plaintiffs,)	CIVIL ACTION
v.)	FILE NO. _____
)	[On removal from State
STATE FARM FIRE AND)	Court of Fulton County,
CASAUALTY COMPANY,)	Georgia, Civil Action
)	File No. 23EV002284]
Defendant.)	
_____)	

NOTICE OF REMOVAL

State Farm Casualty Company (“State Farm”), Defendant in the above-styled civil action, hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446 within the time prescribed by law, respectfully showing this Court as follows:

1.

On April 19, 2023, Plaintiffs David Perras and David Haskins (“Plaintiffs”), by and through counsel, filed a Complaint against State Farm in the State Court of Fulton County, Georgia, styled as *David Perras and David Haskins v. State Farm Fire and Casualty Company* and assigned Civil Action File No. 23EV002284 (the “State Court Action”). True and correct copies of all filings to date in the State Court Action are collectively attached hereto as **Exhibit “1”**.

2.

State Farm has designated the Corporation Service Company (CSC) as its Statutory Registered Agent for Service of Process. On May 2, 2023, Plaintiffs delivered the Complaint and Summons to the CSC. Thus, State Farm was served on May 2, 2023. This Notice of Removal is filed within 30 days of May 2, 2023, the date on which State Farm was served with the Complaint and notice of the subject lawsuit. This Notice of Removal is also filed within one year of the commencement of the action. Thus, removal is timely under 28 U.S.C. § 1446(b).

3.

The United States District Court for the Northern District of Georgia, Atlanta Division, embraces Fulton County, Georgia. Thus, removal to this Court is proper under 28 U.S.C. § 1441(a).

4.

Pursuant to 28 U.S.C. § 1446(d), promptly after the filing of this Notice of Removal, State Farm will give written notice to Plaintiffs and will file a copy of this Notice of Removal with the Clerk of State Court of Fulton County, which shall effect the removal.

DIVERSITY JURISDICTION

5.

The United States District Court for the Northern District of Georgia, Atlanta Division, possesses diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332.

6.

For the purpose of determining diversity, an individual's citizenship is based upon his domicile, not every place he has a residence. *McCormick v. Aderholt*, 293 F.3d 1254, 1257 (11th Cir. 2002). "A person's domicile is the place of 'his true, fixed, and permanent home and principal establishment, and to which he has the intention of returning whenever he is absent therefrom.'" *Id.* at 1257-58.

7.

Plaintiffs are residents of Georgia on the date that the Complaint was filed. Plaintiffs allege in the Complaint that they own the real and personal property located at 1070 Trailmore Road, Roswell, Fulton County, Georgia, which is their house. (Complaint, ¶ 6, 7). Thus, the Plaintiffs are citizens of the State of Georgia.

8.

At all times relevant to this action, State Farm was a corporation organized under the laws of the State of Illinois, with its principal place of business in the State of Illinois. Thus, State Farm is a citizen of the State of Illinois.

9.

Because the Plaintiffs and State Farm are citizens of different States, complete diversity exists between Plaintiffs and State Farm in accordance with 28 U.S.C. § 1332(a)(1).

10.

Plaintiffs expressly allege in their Complaint that they are entitled to recover costs to repair damages to their property and any resulting expenses and temporary repairs as well as bad faith damages and attorney's fees and costs. See generally, Complaint. Plaintiffs allege in the Complaint that the value of their claim exceeds \$117,600 less a "small amount," which has been paid. (Complaint, ¶¶ 12, 13). State Farm includes in its Answer that it has paid at least \$23,355.69 for damage to the Property and \$8,733.67. Given the statements of Plaintiffs regarding the value of their claim and the amount they contend they are entitled to recover, the amount in dispute in this matter will exceed the jurisdictional requirement of \$75,000.00.

Accordingly, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).

11.

Venue is proper in this Court for purposes of removal under 28 U.S.C. § 1441(a), but not necessarily for purposes of 28 U.S.C. § 1391 or any other applicable venue provision. By filing this Notice of Removal, State Farm does not waive any of its jurisdictional objections or affirmative defenses.

WHEREFORE, State Farm prays that this action proceeds in this Court as an action properly removed pursuant to 28 U.S.C. § 1446, and that no further proceedings be had in said case in the State Court of Fulton County, Georgia.

This 1st day of June, 2023.

SWIFT CURRIE MCGHEE & HIERS, LLP

/s/ Rebecca E. Strickland
Rebecca E. Strickland
Georgia Bar No. 358183
Attorney for Defendant

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LOCAL RULE 5.1C CERTIFICATION

By signature below, counsel certifies that the foregoing pleading was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1C.

This 1st day of June, 2023.

SWIFT CURRIE MCGHEE & HIERS, LLP

/s/ Rebecca E. Strickland
Rebecca E. Strickland
Georgia Bar No. 358183
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CERTIFICATE OF SERVICE

I hereby certify I have this day electronically filed the foregoing ***NOTICE OF REMOVAL*** with the Clerk of Court via the CM/ECF system, through which the Court will send notification to the following attorney:

John D. Hipes
Hipes & Belle Isle, LLC
178 South Main Street, Suite 250
Alpharetta, GA 30009
jhipes@hbilawfirm.com
Attorney for Plaintiffs

This 1st day of June, 2023.

SWIFT CURRIE MCGHEE & HIERS, LLP

/s/ Rebecca E. Strickland
Rebecca E. Strickland
Georgia Bar No. 358183
Attorney for Defendant

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